

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
v.	:	Case Nos. 3:16-cr-099, 3:20-cv-031
RODRIGO GARCIA-LOZA,	:	JUDGE WALTER H. RICE
Defendant.	:	

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #59);  
DISMISSING WITH PREJUDICE MOTION TO VACATE UNDER 28  
U.S.C. § 2255 (DOC. #58); DENYING CERTIFICATE OF  
APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*;  
JUDGMENT TO ENTER IN FAVOR OF PLAINTIFF AND AGAINST  
DEFENDANT; CASE TO REMAIN TERMINATED

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Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his Report and Recommendations, Doc. #59, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing and DISMISSES WITH PREJUDICE the Motion to Vacate Under 28 U.S.C. § 2255, Doc. #58. Although the parties were notified of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.

Given that Defendant has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Defendant is denied a certificate of appealability and leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Plaintiff and against Defendant.

The captioned case shall remain terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 11, 2020



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE